A Guide to the Information Collection Clearance Process

Office of the Chief Information Officer
Information Resources Management Group
Information Management Team

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INTRODUCTION

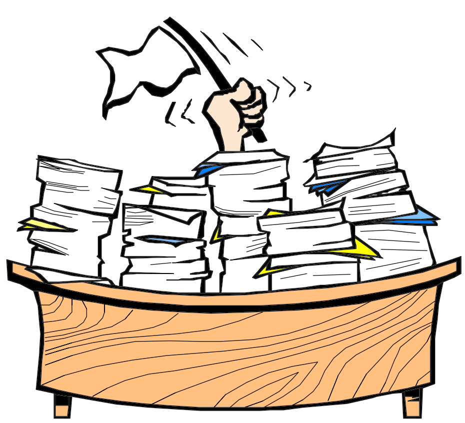
The Paperwork Reduction Act of 1995 was enacted on May 22, 1995, and replaces the Paperwork Reduction Act of 1980, published as 5 CFR 1320 and amended in 1986. After reauthorization of the Act, the Office of Management and Budget (OMB) published proposed changes in a Notice of Proposed Rulemaking on June 8, 1995, and published a final rule on August 29, 1995.

The Paperwork Reduction Act requires each federal agency to obtain OMB approval of its information collection activities and paperwork control functions. An agency may not initiate a collection activity without first obtaining OMB approval of the collection and then displaying a current, valid OMB control number, expiration date, and burden statement on the approved collection instrument. Each agency must ensure that the collection of information imposes the smallest possible burden on the public, is not duplicated elsewhere, has practical utility, and is necessary to satisfy statutory requirements or other substantial governmental needs.

Collecting information means obtaining or soliciting information from 10 or more members of the public within any 12-month period, the collection of which is conducted by or for a federal agency and is performed using identical questions or identical reporting or recordkeeping requirements, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit.

Precise definitions for such terms as “collection of information,” “burden,” and “person” are shown on page 2, as taken from 5 CFR 1320.3. An electronic copy of the Paperwork Reduction Act, printable as a WordPerfect 6.1 document, can be found in the *#IMT Correspondence* bulletin board of cc:Mail as an attachment to the message entitled “IMT Documents.” The bulletin board, sponsored by the Information Management Team (IMT) of the Office of the Chief Information Officer, contains forms and documents (including this one) that pertain to the information collection clearance process.

The purpose of this guide is to help you understand the clearance process when initiating an information collection request for OMB approval.



WHAT IS AN INFORMATION COLLECTION REQUEST?

An information collection request is a packet of documents that an office puts together when seeking approval from OMB for data collection activities, such as those involving surveys, questionnaires, performance reports, grant applications, etc. Usually, an information collection request contains at least 5 documents:

- An OMB Form 83-I Paperwork Reduction Act Submission
- A Supporting Statement
- A copy of the Public Law that authorizes the collection of information
- Regulations applicable to the collection
- The form or instrument for which you are seeking OMB approval

Some information collection requests contain additional documents.

OMB Form 83-I, instructions for completing the form, and instructions for generating a Supporting Statement are located in the *#IMT Correspondence* bulletin board of cc:Mail. Your IMT information collection analyst, or the Control Desk Officer at 708-9915 (see page 7), can assist you in using the bulletin board.

WHEN IS AN INFORMATION COLLECTION REQUEST REQUIRED?

Any time a federal agency attempts to collect information from 10 or more members of the public, the collection must be approved by OMB. The intent of OMB's review is to reduce the paperwork burden imposed on the public in the conduct of government business. To this end, Congress passed the Paperwork Reduction Act in 1980 and reauthorized the Act in 1995.

As required by this law and the OMB regulations, collection instruments such as forms, reports, questionnaires, interviews, or other means of obtaining answers that request the same information from 10 or more respondents must be approved by OMB and must contain a burden statement estimating the time it will take a respondent to provide the information.

Definitions *(from 5 CFR 1320.3):*

Collection of information *"means...the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit.*

A collection of information may be in any form or format, including the use of report forms; application forms; schedules; questionnaires; surveys; reporting or recordkeeping requirements; contracts; agreements; policy statements; plans; rules or regulations; planning requirements; circulars; directives; instructions; bulletins; requests for proposal or other procurement requirements; interview guides; oral communications; posting, notification, labeling, or similar disclosure requirements; telegraphic or telephonic requests; automated, electronic, mechanical, or other technological collection techniques; standard questionnaires used to monitor compliance with agency requirements; or any other techniques or technological methods used to monitor compliance with agency requirements."

Burden *"means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency, including reviewing instructions; developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information; ...processing and maintaining information; ...disclosing and providing information; ...completing and reviewing the collection of information; and transmitting, or otherwise disclosing the information."*

Person *"means an individual, partnership, association, corporation (including operations of government-owned contractor-operated facilities), business trust, or legal representative, an organized group of individuals, a state, territorial, tribal, or local government or branch thereof, or a political subdivision.... '[T]en or more persons' refers to the persons to whom a collection of information is addressed by the agency within any 12-month period, and to any independent entities to which the initial addressee may reasonably be expected to transmit the collection of information during that period.... For the purposes of this definition...'persons' does not include employees of the respondent acting within the scope of their employment, contractors engaged by a respondent...or current employees of the Federal government...".*

WHAT GOES INTO AN INFORMATION COLLECTION REQUEST?

Although there are several types of information collection requests, two documents are common to them all: OMB Form 83-I and a supporting statement. According to the type of request for which you are seeking OMB approval, your information collection request will include other documents. A list of the components necessary for each type of information collection request is shown below.

When assembling your information collection request, please place the documents in the same order as shown in the list that pertains to your type of information collection.

If there are special circumstances (including any prior arrangements you may have made with OMB) relating to your information collection, a memorandum addressed to OMB should be included in the request to inform OMB and IMT of these needs. The complete package, plus four copies of it, should be submitted to the Department's Information Collection Control Desk Officer (see page 7).

- Components Required for **New Grants**

  Transmittal Memorandum (if applicable)
  OMB Form 83-I
  Supporting Statement
  "Dear Applicant" / "Dear Colleague" Letter
  Application Notice for New Awards
  Application Transmittal Instructions
  Instructions for Executive Order 12372 (if applicable)
  Single Point of Contact List (if applicable)
  Program Statute
  Program Regulations (if none, use EDGAR)
  Program Instructions (including burden hour statement)
  Application for Federal Assistance and Instructions (SF-424)
  Program Narrative
  Budget Information and Instructions (ED Form 524)
  Assurances (SF-424B, SF-424D or GEPA 427)
  Certifications
  Disclosure Forms
  Notice to Prospective Participants
  Receipt Acknowledgment

- Components Required for **Performance Reports**

Transmittal Memorandum (if applicable)
OMB Form 83-I
Supporting Statement
Program Statute
Program Regulations (if none, use EDGAR)
"Dear Colleague" Letter
*Instructions (including burden hour statement) and Form (ED Form 524-B, Grant Performance Report)**

*An electronic copy of ED Form 524-B is available in the *#Discretionary Grants* bulletin board of cc:Mail

- Components Required for **Studies/Surveys/Evaluations**

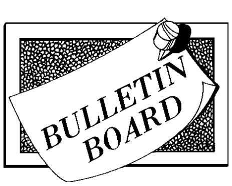
Transmittal Memorandum (if applicable)
OMB Form 83-I
Supporting Statement
Legislation (if applicable)
Regulations (if applicable)
"Dear Colleague" Letter
Instructions and Data Instrument (including burden statement on first page of the data collection instrument or instructions)

- Components Required for **Reports / Other Data Instruments**

Transmittal Memorandum (if applicable)
OMB Form 83-I
Supporting Statement
Legislation (if applicable)
Regulations (if applicable)
"Dear Colleague" Letter
Instructions and Data Instrument (including burden statement on first page of the data collection instrument or instructions)

- Components Required for ***Customer Satisfaction Surveys***

Transmittal Memorandum (see page 11)
Survey Questions



IMT maintains a bulletin board in cc:Mail called *#IMT Correspondence*. This bulletin board contains electronic copies, in both WordPerfect 5.1 and 6.1 format, of several of the documents you will need to prepare an information collection request. Among them are: OMB Form 83-I; instructions for completing OMB Form 83-I; instructions for composing a supporting statement; an explanation of the certification requirement; a change worksheet; an emergency extension request; and a burden statement. These documents are located in the bulletin board message entitled "IMT Information Collection Forms."

WHAT IS THE PROCESS FOR SUBMITTING YOUR INFORMATION COLLECTION REQUEST?

- The originator (often known as the "program sponsor") of the information collection request is responsible for completion of the request. (Your Principal Office's information collection coordinator, listed on page 7, can assist you if necessary.)

- The information collection coordinator in your Principal Office reviews the information collection request for completeness and provides assistance, as necessary.

- The sponsor submits an original and four copies of the information collection request to the Information Collection Control Desk Officer (see page 7).

- The Control Desk Officer reviews the information collection request for completeness.

- The Control Desk Officer date-stamps and logs in the information collection request.

- The Control Desk Officer forwards two copies to the Office of the Under Secretary (OUS), one to the Planning and Evaluation Service and another to the Budget Service. These offices have seven working days for review and comment.

- The Control Desk Officer publishes a notice in the *Federal Register* giving the public 60 days to comment on the proposed information collection.[1]

- The IMT information collection analyst reviews and analyzes the information collection request during the public comment period. The analyst will contact the program sponsor if there are comments or issues regarding the information collection request.

- At the end of the public comment period, the information collection analyst, having worked with the program office to clear up any discrepancies, errors, or omissions in the information collection request, forwards the package to the Department's Paperwork Reduction Act official in IMT. This official reviews the request to ensure that it is within the requirements of the Paperwork Reduction Act, and if so, certifies the package by signing it for submission to OMB.

- A new, 30-day public comment notification is prepared and sent to the *Federal Register* at the same time the information collection request is submitted to OMB. (This step, however, is omitted for proposed regulations, as explained in the footnote below.)

- OMB's Desk Officer has up to 60 days to review, analyze, and make a decision about the collection of information. OMB forwards to the Education Department comments it

[1] No notices are prepared for proposed rules because the public comment period is already offered in the preamble of a Notice of Proposed Rule Making (NPRM) or final rule. This preamble is prepared by the office issuing the rule.

receives from the public concerning your information collection before the 60th day of this period. The comments are received by IMT and forwarded to the collection's sponsor.

- If OMB has comments pertaining to your information collection, you will be asked to respond to them. Failure to do so is cause for disapproval of your information collection request. The response is written and addressed to the OMB Desk Officer; however, the sponsor's response and two copies are forwarded through the Information Collection Control Desk Officer.

- The information collection analyst in IMT reviews the response for adequacy, and IMT forwards copies of it to OMB. Another set of comments from OMB is possible, and the program sponsor should follow the same process, unless told otherwise.

It is important that these transactions are completed by the 60th day after publication of the second *Federal Register* notice; otherwise, OMB will require the program sponsor to withdraw the information collection request or face disapproval for nonresponsiveness.

- OMB sends a **Notice of Action** (NOA) to the Department's Paperwork Reduction Act official in IMT. The NOA specifies the type of action received from OMB, such as approved, disapproved, or withdrawn, and the OMB control number to be printed on the collection instrument if approved. IMT supplies a copy of the NOA to the program sponsor. All conditions of clearance under the NOA's "Remarks" section must be completed by the sponsor.

- Once the information collection request is approved, the program office may conduct the information collection and disseminate the collection instrument or form, if any, to the public.

- A printed copy of the finalized and approved information collection request, including the collection instrument with its OMB approval number and expiration date printed on it (for regulations, the approval number must be displayed following the section of the regulations to which the approval applies) must be sent to the Control Desk Officer to file.

WHO ARE THE POINTS OF CONTACT WITHIN THE DEPARTMENT?

- Information Collection Control Desk Officer (within OCIO/IRMG/IMT):

  Room 5624, ROB-3, MS4651, 708-9915, Fax Number 708-9346

- Information Collection Analyst:

  This is the IMT staff member who will review and coordinate your information collection request for OMB approval. To find out who the analyst for your information collection request is, contact the Control Desk Officer at 708-9915.

- Information Collection Coordinator:

  This is the individual within each Principal Office who assists the sponsor in preparing the collection request. At the time this document was published, the information collection coordinators for each Principal Office were as follows:

OFFICE	OMB COLLECTION CODE	PRINCIPAL OFFICE INFORMATION COLLECTION COORDINATOR(S)
OBEMLA	1885-	Harry Logel
OCFO	1875-	Jack Atkinson
OCR	1870-	(Vacant)
OERI	1850-	Margo Anderson / Edie McArthur
OESE	1810-	Laura Kipp
OGC	1801-	J. Carolyn Adams
OIG	1800-	Robert Nagle
OIIA	1860-	Gloria Mounts
OM	1880-	(Vacant)
OPE	1840-	Janice Wilcox / Joan Madden / Alan Schiff
OSERS	1820-	Deborah Coleman
OUS	1875-	Ed Glassman
OVAE	1830-	Laurette Crum

- Regulations Coordinator (within the Division of Regulations Management in the Office of the General Counsel (OGC)):

  Room 5100, FB10, MS2241, 401-8300

WHEN SHOULD YOU START AN INFORMATION COLLECTION REQUEST?

The review of an information collection request may take **120 days** or longer.

When IMT receives your information collection request, it is logged in by the Control Desk Officer. A Notice of Proposed Information Collection (NPIC) is generated by IMT for publication in the *Federal Register*, and the public is granted **60 days**, by law, from date of publication of the notice to respond to the proposed collection.[1] The notice directs the public to forward its comments to a contact in IMT.

Concurrent with the public comment period, an information collection analyst in IMT reviews and analyzes your collection request to ensure that it contains the necessary documents and supplies the information OMB needs to review and deliberate on your collection activity. Your information collection request will also be sent to the Department's Office of the Under Secretary (OUS) for review and comment, which is usually completed within 7 working days of its receipt. OUS sends its comments to the Control Desk Officer, who then forwards them to the IMT analyst working on your request. You may be asked to draft a response to any comments or changes proposed by OUS.

At the end of the 60-day public comment period, your collection request and any comments that were received are submitted to OMB. Another NPIC is prepared for publication in the *Federal Register* at the same time your information collection request is sent to OMB. This time the *Federal Register* notice requests that the public respond within **30 days** and forward its comments directly to OMB. OMB has **60 days** from the date of publication of this notice in the *Federal Register* to respond to the information collection request with an NOA, either approving the collection activity or denying it with cause. OMB assigns an approval number to each collection activity it approves and places the collection activity in the public reports inventory. The collection instrument can only be published and distributed to the public with this approval number printed on it.

The time frame for an information collection request based on a Notice of Proposed Rule Making (NPRM) is different from one based on a survey, questionnaire, grant, etc. In this case, the information collection request (with a signed copy of the NPRM) must be submitted to OMB at the time of publication in the *Federal Register* of the proposed regulation(s). The preamble of

[1]For a proposed rule, interested parties are requested to submit their comments within 30 days. A Notice of Proposed Rule Making (NPRM) is generated by the office issuing the rule.

the NPRM will specify that the public should comment within **30 days** of publication of the

NPRM in the *Federal Register*, because OMB has only **60 days** to make a decision concerning the collection activity contained within the regulation(s).

It is essential that information collection requests involving regulations be logged into the IMT Control Desk at least **30 days** prior to the publication date of the proposed regulations. This allows the IMT analyst time to assist the program sponsor in correcting any deficiencies in the package prior to its submission to OMB.

Throughout the review and approval process, coordination with your program office's information collection coordinator and/or IMT information collection analyst is essential to ensure that information collection requests are complete and meet the requirements for obtaining OMB approval.

Note on Emergency Information Collection Requests

On rare occasions OMB will grant a 3-month emergency clearance while the regular information collection request is proceeding through normal clearance. OMB will grant emergency clearances under the following conditions:

- *That harm to the public might occur otherwise.*
- *That an unanticipated event has occurred.*
- *That a normal clearance is likely to cause a statutory or court-ordered deadline to be missed.*

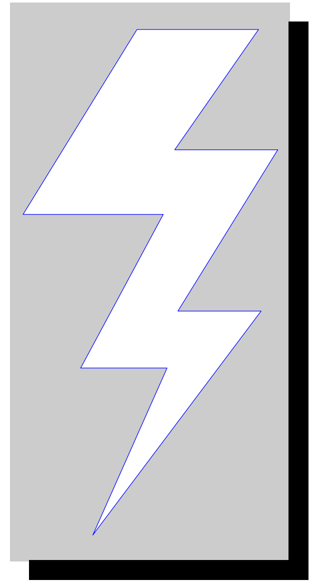
Prior to submitting an emergency information collection request, program offices must explain the need for this type of clearance to their IMT analyst. IMT will notify OMB of the request. OMB must agree with the urgency of this clearance before any material is submitted. After OMB agrees to receive an emergency clearance request, the program office must submit three copies of the emergency collection package along with five copies of the regular collection (a regular collection clearance must be submitted at the same time as an emergency request to ensure that the information collection will not expire after the emergency collection's expiration date).

Both the emergency and regular information collection packages must include the required forms and documents as specified earlier in this guide. <u>The emergency clearance package must include a cover memorandum justifying why the clearance should be treated as an emergency, and the consequences if an emergency clearance is not obtained.</u>

Program offices should allow one week for review of the emergency collection by IMT before it is submitted to OMB.

Regulatory guidelines for emergency processing of an information collection request can be found under 5 CFR 1320.13 (available on the *#IMT Correspondence* bulletin board).

WHAT IS A ‘ZAP’ AND HOW DOES IT RELATE TO THE INFORMATION COLLECTION REQUEST PROCESS?



A “Zippy Application Package” (ZAP) is a means for making an announcement to the public, through a published notice in the *Federal Register*, of a new award of grant funds, where such announcement includes the application instrument (i.e., the actual form) that is to be used by the public when applying for this award. The idea behind a ZAP is that by making the announcement of the grant and the vehicle for applying for it available to the public through a *Federal Register* notice, there is no need to mail the application to individuals and printing costs are reduced.

To generate a ZAP, follow the same procedures as for an information collection request. To obtain approval for your ZAP:

- Send a copy of the ZAP to OGC’s Regulations Management Division.
- Send the same ZAP, but with additional information (to include an OMB Form 83-I, supporting statement, and applicable laws and/or regulations) so as to constitute an information collection request, to the IMT Control Desk Officer.

The ZAP that is sent to the Regulations Management Division is considered a regulatory document that includes a “Notice Inviting Applications for New Awards.” The notice indicates that this publication contains a complete application. The ZAP contains all the information needed to apply for grants under competition. To learn about the format and structure to be used when creating a ZAP, see the Regulatory Quality Manual, Chapter 5, issued by the Regulations Management Division.

The ZAP that is sent to the Control Desk Officer is part of a complete information collection request package. The information being collected through the ZAP is subject to the standard 60- and 30-day public comment periods required of all other information collections. Refer to the sections, “What Goes into an Information Collection Request?” and “What is the Process for Submitting Your Information Collection Request?” for more information on creating and submitting a complete information collection request.

The ZAP is published in the *Federal Register* once the information collection request receives OMB approval. The ZAP must contain the same information approved by OMB and must display under “Estimated Public Reporting Burden” the valid OMB control number and expiration date.

HOW DO CUSTOMER SATISFACTION SURVEYS FIT INTO THE INFORMATION COLLECTION REQUEST PROCESS?

Customer satisfaction surveys are a tool for learning about an agency's services from a customer's perspective. These surveys provide insight into customer perceptions, help identify agency operations that need quality improvement, provide early detection of problems, and focus attention on areas where remedial training or changes in existing operations might improve delivery of products or services.

Because OMB has approved ED's generic information collection Customer Satisfaction Survey Master Plan (OMB control number 1880-0529), individual customer surveys do not follow the regular clearance process. Instead, customer surveys that adhere to the Survey Master Plan are approved by OMB in approximately 10 working days. Customer satisfaction surveys should be free of controversial issues and have limited and well-defined burden.

Program offices seeking clearance from OMB for a customer satisfaction survey should include the following information in a clearance package for the survey:

- A memorandum, addressed to the OMB Desk Control Officer, stating—
  the title of the survey;
  its control number, which will always be 1880-0529;
  the public affected by the survey, the number of respondents being asked to respond to the survey, the hours per response to the survey, and the total burden hours on the public;
  the survey's statistical methodology and design; and
  the requested approval date
- The actual survey questions, with a standard burden statement attached

Please submit three copies of the survey clearance package to IMT. An OMB Form 83-I and supporting statement are not necessary. IMT will review the customer survey in a few days and if sufficient, forward the survey to OMB's Desk Officer for review.

FLOWCHART OF THE INFORMATION COLLECTION CLEARANCE PROCESS

(FOR COLLECTIONS THAT DO NOT INVOLVE RULEMAKING)